

REMARKS

The objection raised relative to Claim 1 is traversed. The “informality” perceived by Examiner refers to a “vertical line” appearing above claimed “formula I”. Applicant calls attention to that the line does not indicate a bond but rather the *Roman Numeral I* identifying the claimed formula. Withdrawal of the objection is requested.

Claims 1 and 10 stand rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over Claims 1, 2 and 7 of U.S. Patent 6,949,127. The rejection is based on Examiner perception that the presently claimed “mold release agent” is not patentably distinct from the “surfactant” claimed in the cited ‘127 patent.

In respectfully traversing the rejection Applicants note that “mold release agent” is a term-of-art referring to a lubricant that is applied to a mold surface to facilitate release of the molded part and that a “surfactant” is likewise a term-of-art that refers to a compound that alters the surface tension of a liquid in which it is dissolved and thereby improves wetting. The on-line dictionary “About Inc.” is instructive (see http://composite.about.com/od/aboutcompositesplastics/About_Composite_and_Plastic_Materials_and_Their_Applications.htm).

Since the art recognizes the substantive difference between a surfactant and a mold release agent the allegation that the presently claimed invention represents double patenting over the claims of the ‘127 patent is untenable and its reconsideration and retraction are urged.

Claims 1, 20 and 27 stand provisionally rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over Claim 1 of co-pending Patent Application 10/733,111 (for the record, Serial Number 10/733,111 has matured and is now U.S. Patent 7,175,675; the stated rejection is no longer provisional).

This rejection is predicated on Examiner perception that the referenced dye is tantamount to an IR absorber or an optical brightener.

The term "dye" describes a substance used to color materials. On the other hand an IR absorber is a substance that absorbs electromagnetic radiation in the range of 0.78 to 300 microns (that is longer than visible light). An optical brightener is a substance that absorbs the invisible ultraviolet component of sunlight and re-emits it as visible light at the blue end of the spectrum. Clearly neither IR absorber nor optical brightener describes "dye".

Since the art recognizes the substantive differences between the respective terms the allegation that the presently claimed invention represents double patenting over the Claim 1 of Serial Number '111 (the '675 patent) is untenable and its reconsideration and retraction are urged.

The presently claimed invention is directed to a process whereby an article of a polymeric material is treated by contacting at least part of its surface with a "treatment" composition. The presently relevant component of the "treatment" composition is the "at least one" additive selected from among UV stabilizers, optical brighteners, mold release agents, antistatic agents, thermal stabilizers, IR absorbers and antimicrobial agents each of which is known for its art-recognized function in the context of polymeric molding compositions. After maintaining contact between surface and treatment composition the article is removed. The treated article features the specific function imparted to it by diffusion of the selected additive.

Claims 1-19 and 27 stand rejected under 35 U.S.C. 102(e) as anticipated by WO03/083207 (herein Pyles).

The standard for anticipation is one of strict identity. To anticipate a claim for a patent, a single prior art document must contain all the essential elements of the claimed invention. In Re Donohue 226 USPQ 619.

Pyles disclosed a process for tinting an article molded of polymeric resin. The article is immersed in, that is its surface is brought into contact with, a dye bath a critical component of which is a dye. Nowhere does Pyles disclose any of the presently claimed additives.

Applicants respectfully submit that Pyles falls short of anticipating the claims at issue and request that the rejection be reconsidered and retracted.

Claims 1, 3-6, 8, 12, 13, 15-19 and 22 stand rejected under 35 U.S.C. 102(b) as anticipated by U.S. Patent 5,015,523 (herein Kawashima)

The method of Claim 1, the only independent claim, has been discussed above. The remaining claims thus rejected all depend, directly or indirectly from Claim 1.

Kawashima disclosed a coated synthetic resin lens. In accordance with the referenced process an adhesion promoting primer layer is applied to the lens and a cured abrasion resistant layer of a coating composition of colloidal silica is provided (column 3, lines 61 et seq.) The text indicated by the Examiner (7:59 - 8:28) refers to the compositional makeup of a copolymer suitable for use as the primer coating. While the copolymer may contain a UV absorber (column 8, lines 3-4) and/or a surfactant (column 8, line 26) neither is disclosed as a component of a treatment composition that contains water, carrier and diol as presently required.

Kawashima falls short of anticipating the claims at issue and the rejection thus based is believed untenable. Reconsidered of the rejection is requested and its retraction is urged.

Claims 7, 10 and 11 stand rejected under 35 U.S.C. 102(b) as anticipated by Kawashima.

Each of Claims 7, 10 and 11 depends, directly or indirectly from Claim 1. Claim 1 has been discussed above and its patentability over Kawashima asserted.

It is axiomatic that a reference that does not anticipate the independent claim, cannot validly anticipate the dependent, narrower claims.

Retraction of the rejection is respectfully solicited.

Claims 2 and 9 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Kawashima.

Claim 2 is directed to an embodiment where the treatment composition is maintained at a stated temperature. The embodiment of Claim 9 requires the treatment composition to additionally contain a surfactant. The treatment composition containing: (i) an additive selected from a group, (ii) water (iii) a carrier conforming to a formula and (iv) a specified diol.

Kawashima has been discussed above and its shortcomings in the present context were noted. Nothing in Kawashima describes or suggests the treatment composition of the present invention.

The rejection of Claims 2 and 9 under section 103(a) is clearly untenable. The reconsideration and retraction of the rejection is urged.

Claims 14 and 23 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Kawashima in view of U.S. Patent 5,914,193 (herein Ono).

Claim 14 that depends from Claim 1 is directed to an embodiment wherein the plastic article includes at least one of dyes, pigments, certain micro spheres and metal flakes. Claim 23 has been cancelled.

Kawashima has been discussed above and its shortcomings in the present context were noted. Nothing in Kawashima describes or suggests the treatment composition of the present invention. Ono disclosed a method for making a photochromic lens.

Nothing in Ono is seen as augmenting Kawashima in any presently meaningful manner.

The rejection of Claim 14 under section 103(a) is clearly untenable. The reconsideration and retraction of the rejection is urged.

Claims 20, 21 and 27 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Kawashima in view of U.S. Patent 5,846,607 (herein Hurley).

Claim 20 that depends from Claim 1 restricts the scope of the claimed article to pellets or strands.

Claim 21 that indirectly depends from Claim 20 further requires that the claimed treated article in the form of pellets or strands be melted, introduced into a mold and thus form a treated shaped article.

Claim 27 that depends from Claim 1 requires the treatment composition to further contain a specified dye.

Kawashima has been discussed above and its shortcomings in the present context were noted. Nothing in Kawashima describes or suggests the treatment composition of the present invention. Hurley disclosed a thermoplastic resin having a body coated with a layer of a lower melting thermoplastic coating composition. There appears to be nothing in Hurley to supplement Kawashima in any presently meaningful manner to describe the embodiments at issue.

The rejection of Claims 20, 21 and 27 under section 103(a) is clearly untenable. The reconsideration and retraction of the rejection is urged.

Claim 24 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Kawashima in view of U.S. Patent 6,506,864 (herein Daughenbaugh).

Claim 24 that depends from Claim 1 is directed to an embodiment whereby the treatment composition is treated with activated carbon.

Kawashima has been discussed above and its shortcomings in the present context were noted. Nothing in Kawashima describes or suggests the treatment composition of the present invention. Daughenbaugh disclosed a polymerizable composition of allyl functional monomers. Nothing in Daughenbaugh is seen to augment Kawashima in a presently relevant manner.

The rejection of Claim 24 under section 103(a) is clearly untenable. The reconsideration and retraction of the rejection is urged.

Claim 25 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Kawashima in view of U.S. Patent 6,506,864 (herein Daughenbaugh).

Claim 25 that depends from Claim 1 is directed to an embodiment whereby the treatment composition is filtered.

Kawashima has been discussed above and its shortcomings in the present context were noted. Nothing in Kawashima describes or suggests the treatment composition of the present invention. Daughenbaugh disclosed a polymerizable composition of allyl functional monomers. Nothing in Daughenbaugh is seen to augment Kawashima in a presently relevant manner.

The rejection of Claim 25 under section 103(a) is clearly untenable. The reconsideration and retraction of the rejection is urged.

Claim 26 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Kawashima in view of U.S. Patent 3,045,315 (herein Dusenbury).

Claim 26 that depends from Claim 1 is directed to an embodiment whereby the treatment composition is introduced into an immersion tank through a plate having a plurality of perforations.

Kawashima has been discussed above and its shortcomings in the present context were noted. Nothing in Kawashima describes or suggests the treatment composition of the present invention. Dusenbury disclosed an apparatus for orienting continuous filament yarns. Nothing in the secondary document is seen to augment Kawashima in a presently relevant manner.

The rejection of Claim 26 under section 103(a) is clearly untenable. The reconsideration and retraction of the rejection is urged.

Claim 28 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Kawashima in view of U.S. Patent 4,977,029 (herein Brown).


Claim 28 that depends from Claim 1 is directed to an embodiment whereby at least a portion of the surface of the treated article is contacted with a rinse composition.

Kawashima has been discussed above and its shortcomings in the present context were noted. Nothing in Kawashima describes or suggests the treatment composition of the present invention. Brown disclosed a tintable coating for glass ophthalmic lenses. Nothing in Brown is seen to augment Kawashima in a presently relevant manner.

The rejection of Claim 28 under section 103(a) is clearly untenable. The reconsideration and retraction of the rejection is urged.

Believing the above represent a complete response to the Office Action and that the application is in condition for allowance, applicants request the earliest issuance of an indication to this effect.

Respectfully submitted,

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